



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Washington Horse Racing Commission

☒ **Permanent Rule**
☐ **Emergency Rule**

Effective date of rule:

Permanent Rules

☒ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

☐ Immediately upon filing.
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: To amend WAC 260-40-100 Performance records and to establish a new section WAC 260-40-155 The effects of wins on eligibility.

Citation of existing rules affected by this order:

Repealed:

Amended: WAC 260-40-100

Suspended:

Statutory authority for adoption: RCW 67.16.020 and RCW 67.16.040

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 09-01-020 on December 8, 2008 (date).

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: February 12, 2009

NAME (TYPE OR PRINT)

Robert J. Lopez

SIGNATURE

TITLE

Executive Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 13, 2009
TIME: 8:34 AM

WSR 09-05-065

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

| | | | | | | |
|---|-----|-------|---------|-------|----------|-------|
| Federal statute: | New | _____ | Amended | _____ | Repealed | _____ |
| Federal rules or standards: | New | _____ | Amended | _____ | Repealed | _____ |
| Recently enacted state statutes: | New | _____ | Amended | _____ | Repealed | _____ |

The number of sections adopted at the request of a nongovernmental entity:

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted in the agency's own initiative:

| | | | | | |
|-----|----------|---------|----------|----------|-------|
| New | <u>1</u> | Amended | <u>1</u> | Repealed | _____ |
|-----|----------|---------|----------|----------|-------|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | |
|-----|----------|---------|----------|----------|-------|
| New | <u>1</u> | Amended | <u>1</u> | Repealed | _____ |
|-----|----------|---------|----------|----------|-------|

The number of sections adopted using:

| | | | | | | |
|---------------------------------------|-----|----------|---------|----------|----------|-------|
| Negotiated rule making: | New | <u>1</u> | Amended | <u>1</u> | Repealed | _____ |
| Pilot rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Other alternative rule making: | New | _____ | Amended | _____ | Repealed | _____ |

AMENDATORY SECTION (Amending WSR 07-07-010, filed 3/8/07, effective 4/8/07)

WAC 260-40-100 Performance records. (1) ~~((The owner and/or trainer of any horse which has started at a track not reported in the daily racing form or equibase since its last start at a recognized track must furnish the racing secretary, prior to the entry of such horse in a race in this state, performance records of said horse's races during the past year or their last two starts, including published races, showing date, distance, finishing position and time. If such records are not provided, the horse will be ineligible to start.~~

~~(2) For thoroughbreds, a horse which wins a race at a Class C track within the state, with the exception of its maiden win, will not be penalized for such winnings in races run at any other race meet other than a Class C track. The maiden classification will be lost by winning a race at any track whose results are published in the daily racing form or equibase. A horse, which wins a race at a track with results not reported in the daily racing form or equibase, outside this state, will not be penalized for such winnings except at Class C tracks. All winnings in races conducted outside the state of Washington and under the authority of a recognized racing jurisdiction will count with regards to a horse's eligibility. For other breeds, all wins, including the maiden wins, will be counted in considering eligibility at all racing association meets in the state of Washington if the win is recognized by the Arabian Jockey Club, the American Quarter Horse Association, the Appaloosa Horse Club, or other breed registry recognized by the commission.~~

~~(3) Performance records for races which are not reported in the daily racing form and/or equibase will be published in the official program of the racing association or posted and announced.~~

~~(4) All wins will be considered in eligibility requirements of horses running at Class C racing association meets.)) The owner or trainer of any horse which has started at a recognized race meet not reported in the daily racing form or equibase since its last recorded start must provide the horse's performance records to the racing secretary prior to entering or nominating the horse in a race in this state. These performance records must include the name of the track, date of the race, distance of the race, finish position, and running time of the race, and include all starts since competing at a recorded recognized race meet. If these records are not provided, the horse may not start in a race.~~

(2) Performance records for races not reported in the daily racing form or equibase will be published in the official program of the racing association and/or posted and announced to the public.

NEW SECTION

WAC 260-40-155 The effect of wins on eligibility. (1) For thoroughbreds, all wins at a Class C race meet in the state or a fair meet in the state of Oregon will not be considered in determining any eligibility at a Class A or B race meet, with the only exception that any horse which has won a race at a recognized race meet may not compete in a maiden race.

(2) All wins at any recognized race meet will be considered in eligibility requirements of horses running at Class C race meets.

(3) For other breeds, all wins, including maiden wins, will count in eligibility at all race meets, if the win is recognized by the breed registry association listed in WAC 260-16-050(2).